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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,378	03/30/2004	Douglas Phillips	1192-012/ddh	5498

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,378

Applicant(s)

PHILLIPS, DOUGLAS

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is an office action for serial number 10/814,378.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-6, 9-11, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jardine (4,184,957). Jardine teaches a visible displacement indicia (stepped gripping means on the edge of the cam members (5) in contact with crack). The stepped gripping members are capable of correlating the quality of cam placement in a rock. The visual indicia can be observed from the side surface of the cam (5) as shown in figure 4. Regarding claim 4, Jardine teaches a "color-coded marking" in that Jardine's cam is at least one color. Furthermore, the more relative movement between the cams the less cross-sectional area of the cams is seen and the less color is therefore seen. Regarding claim 5, the intersecting markings in the middle of the cams indicates the quality of grip.

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Claims 1,3-6, 9-11, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Watts 2004/0035992A1. Watts teaches a visible displacement indicia (stepped gripping means on the edge of the cam members (5) in contact with crack). The stepped gripping members are capable of correlating the quality of cam placement in a rock. The visual indicia (paragraph 0071) can be observed from the side surface of the cam (310 or 700). Regarding claim 4, Watts teaches a "color-coded marking" in that Watts cam can be color coded. Furthermore, the more relative movement between the cams the less cross-sectional area of the cams is seen and the less color is therefore seen. Regarding claim 5, the intersecting markings in the middle of the cams indicates the quality of grip.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 7, 8, 12, 13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts 2004/0035992. Watts clearly teaches that it is known to provide a color coded system of the cams of the device as discussed in paragraph 0071. The examiner takes office notice that color-coding is well known in the art to indicate degrees of danger for example "green, yellow, and red zones" are known to indicate various degrees of danger. Red is known for stop or a high degree of danger, yellow is known for caution or a moderate degree of danger, and green is known for safety, highest degree of safety, or lowest degree of danger (for example stop lights and water safety). It would have been obvious to one having ordinary skill in the art to have modified Watts to have used the well known color coded zones of green, yellow, and red along the stepped gripping means on the edge of each cam to indicate the degree of safety of the device when placed in the cracked surface.

Claims 7, 8, 12, 13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jardine, as discussed above, in view of Watts 2004/0035992A1. Jardine discloses all of the limitations of the claimed invention except for the color coded zones. Watts clearly teaches that it is known to provide a color coded system of the cams of the device as discussed in paragraph 0071. The examiner takes office notice that color-coding is

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well known in the art to indicate degrees of danger for example "green, yellow, and red zones" are known to indicate various degrees of danger. Red is known for stop or a high degree of danger, yellow is known for caution or a moderate degree of danger, and green is known for safety, highest degree of safety, or lowest degree of danger (for example stop lights and water safety). It would have been obvious to one having ordinary skill in the art to have modified Watts to have used the well known color coded zones of green, yellow, and red along the stepped gripping means on the edge of each cam to indicate the degree of safety of the device when placed in the cracked surface.

Allowable Subject Matter

The indicated allowability of the claims has been withdrawn in view of the newly discovered reference(s) to Watts.

Rejections based on the newly cited reference(s) follow.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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In regards to the applicant's arguments that the stepped gripping surface does not teach visible placement indicia the examiner traverses this argument herein. The stepped gripping surface clearly allows the climber to visibly indentify the amount the expansion of the cams relative to the crack. The climber viewing the stepped gripping means would be able to tell whether or not the cams are fully extending meaning the device could be capable of slipping from the crack or whether the cams are compressed indicating that the device is more secure within the crack meaning less likely to slip from the cracked surface. These stepped gripping means are clearly capable of correlating the quality of cam placement in a rock as well as the indicating intersecting markings in the middle of the cams indicate the quality of the grip by the device within the crack as discussed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional climbing cams.

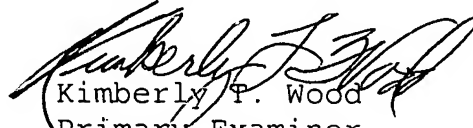
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly

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T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

September 20, 2005